

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **ENERGY AND TELECOMMUNICATIONS**

**Call to Order:** Chairman Jerry W. Black, on March 17, 2009 at 3:00 P.M., in Room 335 Capitol

#### **ROLL CALL**

**Members Present:**

Sen. Jerry W. Black, Chairman (R)  
Sen. Aubyn Curtiss, Vice Chairman (R)  
Sen. Roy Brown (R)  
Sen. Ron Erickson (D)  
Sen. John Esp (R)  
Sen. Kelly Gebhardt (R)  
Sen. Bob Hawks (D)  
Sen. Dave Lewis (R)  
Sen. Lynda Moss (D)

**Members Excused:** Sen. Sharon Stewart-Peregoy (D)  
Sen. Mitch Tropila (D)

**Members Absent:** None

**Staff Present:** Sonja Nowakowski, Legislative Branch  
Nadine Spencer, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 343, 2/24/2009; HJ 1, 2/24/2009

Executive Action: HJ 1, SB 498

**HEARING ON HB 343**

**Opening Statement by Sponsor:**

00:00:59 Rep. Art Noonan (D), HD 74, opened the hearing on HB 343, Revise renewable energy portfolio standard.

**Proponents' Testimony:**

00:05:14 John Fitzpatrick, NorthWestern Energy  
[EXHIBIT](#)(ens59a01)

00:06:42 Sen. Stewart-Peregoy entered the hearing.

00:07:51 Sen. Tropila entered the hearing.

00:18:46 Bob Hardin, Greenfields Irrigation District

[EXHIBIT](#)(ens59a02)

00:21:43 Mike Murphy, Montana Water Resources Association (MWRA)

**Opponents' Testimony:**

00:23:01 Greg Jergeson, Montana Public Service Commission (PSC)

[EXHIBIT](#)(ens59a03)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:30:05 Sen. Lewis  
00:31:19 John Fitzpatrick  
00:33:02 Sen. Erickson  
00:33:44 John Fitzpatrick  
00:34:07 Sen. Erickson  
00:35:15 John Fitzpatrick  
00:35:24 Sen. Erickson  
00:35:44 John Fitzpatrick  
00:35:53 Sen. Tropila  
00:36:11 John Fitzpatrick  
00:37:02 Sen. Tropila  
00:37:32 Bob Hardin  
00:38:23 Sen. Tropila  
00:38:59 Greg Jergeson  
00:40:27 Sen. Brown  
00:40:59 Brad Molnar, PSC, District 2  
00:44:37 Sen. Hawks  
00:45:20 Greg Jergeson  
00:47:15 Chairman Black  
00:47:33 Sonja Nowakowski

00:48:36 Chairman Black  
00:48:51 Rep. Noonan  
00:49:00 Chairman Black  
00:49:05 Rep. Noonan

**Closing by Sponsor:**

00:49:24 Rep. Noonan  
  
00:55:00 Sen. Esp left the hearing.

**HEARING ON HJ 1**

**Opening Statement by Sponsor:**

00:55:19 Rep. Julie French (D), HD 36, opened the hearing on HJ  
1, Interim study of biomass.

**Proponents' Testimony:**

01:02:31 Ellen Simpson, Montana Wood Products Association (MWPA)  
01:05:04 Mary Sexton, Montana Department of Natural Resources  
and Conservation (DNRC)  
01:08:33 Ron Devlin, NorthWestern Energy

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:09:54 Sen. Gebhardt  
01:10:11 Ron Devlin  
01:10:41 Sen. Lewis  
01:11:15 Mary Sexton  
01:11:23 Sen. Lewis  
01:11:26 Mary Sexton  
01:11:38 Sen. Lewis  
01:11:45 Mary Sexton  
01:11:54 Sen. Brown  
01:12:33 Rep. French

**Closing by Sponsor:**

01:13:55 Rep. French

**EXECUTIVE ACTION ON HJ 1**

01:14:30 **Motion/Vote:** Sen. Gebhardt moved that **HJ 1 BE CONCURRED IN. MOTION CARRIED** unanimously by voice vote by members present and voting. Sen. Hawks will carry the bill in the Senate.

01:15:37 recess

01:22:25 reconvene

01:22:26 Sen. Esp entered the hearing.

**EXECUTIVE ACTION ON SB 498**

01:22:41 **Motion:** Sen. Erickson moved that **SB 498 DO PASS.**

**Discussion:**

01:22:51 Sen. Erickson

01:27:11 Chairman Black

01:27:34 Sen. Erickson

01:27:59 Sonja Nowakowski

**EXHIBIT**(ens59a04)

01:31:03 **Motion:** Sen. Erickson moved that **SB 498 BE AMENDED.**

**EXHIBIT**(ens59a05)

**Discussion:**

01:31:23 Sen. Esp

01:31:34 Sonja Nowakowski

01:31:55 Sen. Tropila

01:32:25 Sen. Bales

01:32:48 **Vote:** **MOTION CARRIED** unanimously by voice vote.

01:33:00 **Motion:** Sen. Esp moved that **SB 498 DO PASS AS AMENDED.**

**Discussion:**

01:33:09 Sen. Erickson

01:33:25 Sonja Nowakowski

01:34:19 **Motion:** Sen. Erickson moved that **SB 498 BE AMENDED.**

**EXHIBIT**(ens59a06)

**Discussion:**

01:35:34 Sen. Brown

01:36:15 Sen. Bales

01:37:26 Sen. Hawks

01:38:14 **Vote:** **MOTION CARRIED** 10-1 by voice vote with Sen. Gebhardt voting no.

01:38:20 **Motion:** Sen. Erickson moved that **SB 498 DO PASS AS AMENDED.**

01:39:44 **Motion:** Sen. Erickson moved that **SB 498 BE AMENDED. EXHIBIT (ens59a07)**

**Discussion:**

01:40:07 Sonja Nowakowski

01:40:09 Sen. Erickson

01:40:54 **Vote:** **MOTION CARRIED** 8-3 by voice vote with Sens. Gebhardt, Stewart-Peregoy and Curtiss voting no.

01:41:29 **Motion:** Sen. Erickson moved that **SB 498 DO PASS AS AMENDED.**

1:42:22 **Motion:** Sen. Erickson moved that **SB 498 BE AMENDED. EXHIBIT (ens59a08)**

**Discussion:**

01:42:35 Sonja Nowakowski

01:46:20 Sen. Erickson

01:48:21 Sen. Brown

01:48:30 Sonja Nowakowski

01:48:36 Sen. Brown

01:48:38 Sonja Nowakowski

01:48:40 Sen. Brown

01:48:43 Sonja Nowakowski

01:48:58 Sen. Brown

01:49:04 Sen. Erickson

01:49:15 Sen. Hawks

01:49:33 Sen. Erickson

01:50:33 Sen. Gebhardt

01:50:47 Sen. Esp

01:51:07 Sonja Nowakowski

01:51:45 Chairman Black

01:52:03 Sen. Bales

01:53:20 Chairman Black

01:53:26 Sen. Bales

01:53:55 **Vote:** MOTION CARRIED unanimously by voice vote.

01:54:13 **Motion:** Sen. Erickson moved that **SB 498 DO PASS AS AMENDED.**

01:54:46 **Motion:** Sen. Erickson moved that **SB 498 BE AMENDED. EXHIBIT(ens59a09)**

**Discussion:**

01:54:55 Sonja Nowakowski

01:55:36 **Vote:** MOTION CARRIED unanimously by voice vote.

01:55:52 **Motion:** Sen. Erickson moved that **SB 498 DO PASS AS AMENDED.**

01:56:19 **Motion:** Sen. Erickson moved that **SB 498 BE AMENDED. EXHIBIT(ens59a10)**

**Discussion:**

01:56:27 Sonja Nowakowski

01:56:47 Sen. Erickson

01:56:53 **Vote:** MOTION CARRIED unanimously by voice vote.

01:57:08 **Motion/Vote:** Sen. Erickson moved that **SB 498 DO PASS AS AMENDED. MOTION CARRIED** unanimously by voice vote.

Additional Exhibit:

**EXHIBIT(ens59a11)** Pertaining to HB 584.

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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Nadine Spencer, Secretary

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Additional Documents:

**EXHIBIT ([ens59aad.pdf](#))**